

House  
REPUBLICAN  
Conference

# FloorPrep

Legislative Digest

Tuesday, September 30, 1997

John Boehner  
Chairman  
8th District, Ohio

*House Meets at 9:00 a.m. for Morning Hour  
and 10:00 a.m. for Legislative Business*

*Anticipated Floor Action:*

- S. 1198—Religious Workers Act (Vote Only)**  
**S. 1161—Authorizing Refugee and Entrant Assistance (Vote Only)**  
**H.Con.Res. 131—Sense of Congress Regarding the Ocean (Vote Only)**  
**H.R. 2233—Coral Reef Conservation Act (Vote Only)**  
**H.R. 1476—Miccosukee Settlement Act (Vote Only)**  
**H.R. 2007—Authorizing an Amendment to the Canadian River Reclamation Project (Vote Only)**  
**H.R. 1262—Securities and Exchange Commission Authorization Act (Vote Only)**  
**H.R. 2165—Extending the Federal Power Act Deadline for a Hydroelectric Project in Iowa (Vote Only)**  
**H.R. 2207—Coastal Pollution Reduction Act (Vote Only)**  
**H.R. 548—Designating the Ted Weiss U.S. Courthouse (Vote Only)**  
**H.R. 595—Designating the William Augustus Bootle Federal Building and U.S. Courthouse (Vote Only)**  
**S. 819—Designating the Martin V. B. Bostetter, Jr. U.S. Courthouse (Vote Only)**  
**S. 833—Designating the Howard M. Metzenbaum U.S. Courthouse (Vote Only)**  
**H.R. 2036—Aviation Insurance Reauthorization Act (Vote Only)**  
**H.R. 2203—FY 1998 Energy and Water Appropriations Act (Conference Report)**  
**H.Res. 244—Demanding Criminal Charges Against Hermandad Mexicana Nacional for Failing to Comply with Subpoenas**  
**H.R. 1370—Export-Import Bank Reauthorization Act**  
**H.R. 2267—FY 1998 Commerce, Justice, State, and the Judiciary Appropriations Act**



## **H.R. 2203—FY 1998 Energy and Water Appropriations Act (Conference Report)**

**Floor Situation:** The House is scheduled to consider the conference report to H.R. 2203 as its first order of business today. Conference reports are privileged and may be considered any time three days after they are filed; they are debatable for one hour, may not be amended, and are subject to one motion to recommit. Yesterday, the Rules Committee granted a rule waiving all points of order against the bill and its consideration.

**Summary:** The conference report to H.R. 2203 appropriates \$20.7 billion in new discretionary budget authority for FY 1998 for the Department of Energy and related programs, \$781 million more than last year, \$729 million more than the House-passed version, and \$1.9 billion less than the president's request. The vast majority of the bill's funding, \$15.9 billion, goes to various programs run by the Department of Energy (DOE) for a total of \$141 million more than the House-passed version. Major funding levels include (1) \$4.2 billion to preserve nuclear weapons technology and maintain the reliability and safety of the weapons in the nation's nuclear stockpile (an increase of \$135 million); (2) \$1.7 billion for other defense activities (an increase of \$86 million); and (3) \$219 million for departmental administration (\$4 million more than the House level). The House passed H.R. 2203 by a vote of 418-7 on July 25, 1997; the Senate passed its version (S. 1004) by unanimous consent on July 28, 1997. The conference report was submitted by Mr. McDade.

**Views:** The Republican Leadership supports passage of the measure. An official Clinton Administration viewpoint was unavailable at press time. Unofficially, however, administration officials have expressed their support for the measure.

**Additional Information:** See *Legislative Digest*, Vol. XXVI, #21, July 18, 1997; and #27, Pt. II, September 29, 1997.



## **H.Res. 244—Demanding Criminal Charges Against Hermandad Mexicana Nacional for Failing to Comply with Subpoenas**

**Floor Situation:** The House will consider H.Res. 244 after it completes consideration of the conference report to H.R. 2203. Yesterday, the Rules Committee granted a closed rule providing one hour of debate, equally divided between the chairman and ranking minority member of the House Oversight Committee. The rule waives points of order against the resolution and provides for one motion to recommit, which may not contain instructions.

**Summary:** H.Res. 244 demands that the Office of the United States Attorney for the Central District of California carry out its responsibility by filing criminal charges against Hermandad Mexicana Nacional for failure to comply with a valid subpoena issued under the Federal Contested Elections Act. Under the Federal Contested Elections Act, any person who has been subpoenaed as a witness and fails to give testimony or produce documents is guilty of a misdemeanor punishable by up to \$1,000 and 12 months in prison. The resolution was introduced by Mr. Thomas and reported by voice vote by the House Oversight Committee.

**Views:** The Republican leadership supports passage of the measure. An official Clinton Administration viewpoint was unavailable at press time.

**Additional Information:** See *Legislative Digest*, Vol. XXVI, #27, September 26, 1997.



## **H.R. 1370—Export-Import Bank Reauthorization Act**

**Floor Situation:** The House will consider H.R. 1370 after it completes consideration of H.Res. 244. Yesterday, the Rules Committee granted a modified closed rule which provides for one hour of general debate, equally divided between the chairman and the ranking minority member of the Banking & Financial Services Committee. It makes in order seven amendments, debatable in the order listed and for the amount of time specified below. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, provided that it follows a regular 15-minute vote. Finally, the rule provides on motion to recommit, with or without instructions.

**Summary:** H.R. 1370 reauthorizes the U.S. charter of the Export-Import Bank (ExIm Bank) through September 30, 2001. Without reauthorization, the bank's charter will expire at the end of FY 1997. The bill extends the ExIm Bank's authority to finance the export of nonlethal defense equipment and similarly extends authority to the tied aid "war chest" credit fund (which the ExIm Bank uses to counter specific projects that are receiving foreign-subsidized export financing). The bill also (1) clarifies the president's authority to prevent ExIm Bank financing for national security reasons; (2) authorizes the creation of an Assistant General Counsel for Administration position, as well as an advisory committee to assist the bank in facilitating U.S. exports to sub-Saharan Africa; and (3) requires the bank's chairman to create a program to heighten awareness of ExIm services among companies that have yet to utilize them and give preference, when providing assistance, to companies who have shown a commitment to reinvestment and job creation in the United States. CBO estimates that enactment will result in additional discretionary spending (subject to appropriations) of approximately \$80 million in 1998 and \$1.2 billion to \$1.3 billion over the FY 1998-2002 period. The bill does not affect direct spending, so pay-as-you-go procedures do not apply. H.R. 1370 was introduced by Mr. Castle et al. and was reported by the Banking & Financial Services Committee by voice vote.

**Views:** The Republican leadership supports passage of the bill. A Clinton Administration viewpoint was unavailable at press time.

**Amendments:** The modified closed rule makes in order the following seven amendments, debatable in the order listed below. Each amendment is debatable for 10 minutes, equally divided between a proponent and an opponent.

**Mr. Evans** may offer an amendment to direct the Export-Import Bank to give preference to U.S. firms who are seeking assistance for activities in China and who have adopted and adhered to a code of conduct which is consistent with internationally-recognized human and worker rights. The amend-

ment also requires the ExIm bank to work with the Clearinghouse on Corporate Responsibility (being developed by the Department of Commerce) to provide the bank's recipients with information on resources and organizations which assist in developing, implementing, and monitoring codes of conduct. **Staff Contact: Lauren Goldblatt, x5-5905**

**Mr. Frank** may offer an amendment to require community work requirements for members of the board of directors of firms receiving assistance from the Export-Import Bank. **Staff Contact: Daniel McGlinchey, x5-5931**

**Mr. LaFalce** may offer an amendment to rename the Export-Import Bank as the American Export Bank. **Staff Contact: Marilyn Seiber, x6-3420**

**Mr. Rohrabacher and Mr. Stearns** may offer an amendment to prohibit the ExIm Bank from insuring, guaranteeing extending credits or participating in an extension of credit for any transaction involving the import or export of any good or service if the company involved is at least 50 percent owned by the government or military of a foreign country. Proponents argue that the intent of the amendment is to preserve the mandate of the Export-Import Bank to help private business, not to subsidize the business operations of foreign governments or militaries. **Staff Contacts: Al Santoli (Rohrabacher), x5-2415; Peter Krug (Stearns), x5-5744**

**Mr. Rohrabacher** may offer an amendment to prohibit the ExIm bank from insuring, guaranteeing extending credit, or participating in an extension of credit in any transaction involving an entity owned by a government which is not chosen through free and fair elections, as certified by the president, or which lacks an independent judicial system. **Staff Contact: Al Santoli, x5-2415**

**Mr. Solomon** may offer an amendment prohibit ExIm Bank subsidies to Russia if it transfers any SS-N-22 or SS-N-26 missiles to the People's Republic of China. **Staff Contact: Jim Doran, x5-7985**

**Mr. Vento** may offer an amendment to prohibit the use of Export-Import Bank assistance for exports to companies that employ child labor. **Staff Contacts: Kirsten Johnson or Jennifer Cless, x5-6631**

**Additional Information:** See *Legislative Digest*, Vol. XXXVI, #27, September 26, 1997.



## **H.R. 2267—FY 1998 Commerce, Justice, State, and the Judiciary Appropriations Act**

**Floor Situation:** The House will complete consideration of H.R. 2267 after it completes consideration of H.R. 1370. On Friday, the House continued considering amendments to the bill under an open rule. The rule waives all points of order against consideration of the bill, as well as House rules which prohibit unauthorized appropriations, legislative provisions in an appropriations bill, and reappropriations. It makes in order three specific amendments—by Mr. Hyde, Messrs. Mollohan and Shays, and Mr. Burton, each debatable for the amount of time specified below—and waives points of order against them. The chairman of the Committee of the Whole may postpone votes and

reduce the voting time on a postponed vote to five minutes, provided that it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions. On Friday, the House reached a unanimous consent agreement to (1) consider only those amendments that were filed before September 25; (2) limit the debate time for each amendment to 10 minutes, except for certain cases noted below; and (3) postpone consideration of an amendment by Messrs. Mollohan and Shays until Tuesday, September 30.

**Summary:** H.R. 2267 appropriates \$25.9 billion for the departments of Commerce, Justice, and State, the federal judiciary, and 18 related agencies, \$764 million more than last year and \$353 million less than President Clinton requested. Together with \$5.3 billion from the Violent Crime Reduction Trust Fund plus mandatory programs, the bill provides a total of \$31.7 billion in new budget authority. The bill focuses on enhancing numerous crime enforcement and reduction initiatives, providing increased funding for (1) states to develop national sex offender registries, (2) violence against women programs, (3) missing and exploited children programs, (4) state and local law enforcement assistance from programs such as the president's COPS on the Beat initiative and the local law enforcement block grant, (5) enhanced border patrol and criminal alien assistance programs, (6) state prison grants, including over \$60 million for state prisoner drug treatment programs, and (7) juvenile crime and prevention programs. Additionally, the bill provides \$3.2 billion for the federal court system, mostly for salaries and administrative expenses. The bill also establishes an expedited judicial review process to determine the constitutionality of sampling and other statistical adjustment procedures when conducting the national census for apportionment and redistricting purposes, and imposes a temporary injunction on the use of funds provided in the bill until a legal determination has been made. CBO estimates that enactment of H.R. 2267 will result in net outlays of \$21.3 billion in FY 1998, \$5.6 billion in FY 1999, \$2.9 billion in FY 2000, \$1.8 billion in FY 2001, and \$143 million in FY 2002 and beyond. H.R. 2267 was submitted to the House by Mr. Rogers and was reported by the Appropriations Committee by voice vote on July 25, 1996.

**Views:** The Republican Leadership supports passage of the bill. An official Clinton Administration viewpoint was unavailable at press time. Unofficially, however, administration officials have expressed opposition to several provisions in the bill, including (1) reduced levels of funding for the Legal Services Corporation (LSC), (2) elimination of the Advanced Technology Program, and (3) restrictions on current funding for the Census Bureau to use statistical sampling in the 2000 census.

**Amendments:** At press time, the *Legislative Digest* was aware of the following amendments to H.R. 2267.

**Mr. Bass** may offer an amendment (#8) to eliminate \$185 million for the Commerce Department's Advanced Technology Program (ATP) by striking all language in the bill that provides ATP funding. Critics believe that the advanced technology program is corporate welfare and should not be tolerated during a time of significant budgetary constraints. However, advocates of the program argue that it plays an essential role in helping to develop the high-risk technologies that will dominate the future. *Staff Contact: David Leland, x5-5206*

**Messrs. Coburn, Peterson (PA), and Ms. Emerson** may offer an amendment to prohibit funds from being used to support the U.S. Man and the Biosphere program (USMAB). USMAB is administered through the State Department and works with the U.N. Educational, Scientific, and Cultural Organization (UNESCO) to establish biosphere reserves. USMAB has never been authorized by

Congress and has no congressional oversight. Funding for the entire program approaches \$1 million annually. **Staff Contact:** *Neil Bradley (Coburn), x5-2701*

**Mr. Cummings** may offer an amendment (#1) to transfer \$199 million to the Legal Services Corporation (LSC), for a total level of \$340 million. The increase is offset by a corresponding funding decrease in the State Department's International Broadcasting Operations account. **Staff Contact:** *Jonathan Alexander, x5-4741*

**Mr. Forbes** may offer one of two amendments (#46 or #47) to prohibit funding in the bill from being used toward (1) the Gaza Waste Water Project, or (2) any development projects in Gaza or the West Bank. **Staff Contact:** *Fred Dombo, x5-3826*

**Messrs. Fox, Weller, Brady, Snowbarger, and Pappas** may offer an amendment to prohibit funds in the bill from being made available to the Palestinian Broadcasting Corporation (PBC). The PBC is currently used to promote an agenda that is pro-Palestinian Authority while employing anti-American rhetoric, which are of concern to amendment supporters because of the potential to hinder the peace process underway between Israelis and Palestinians. **Staff Contact:** *Kristen McSwain (Fox), x5-6111*

**Mr. Fox** may offer an amendment (#63) to prohibit funds in the bill from being used—directly or indirectly—to provide financial assistance to, or enter a contract with, the Palestine Broadcasting Corporation (PBC), or an affiliate, successor, or individual associated with the PBC. **Staff Contact:** *Kristen McSwain (Fox), x5-6111*

**Mr. Gallegly** may offer an amendment to establish a commission to study structural alternatives for the federal courts of appeals, paying particular attention to the Ninth Judicial Circuit. The commission must report to the president and Congress no later than 18 months after its members are appointed, and make recommendations to alter judicial circuit boundaries. Currently, the Senate CJSJ appropriations measure includes language to split the Ninth Circuit into two separate circuits. The sponsor argues that such a move should not be undertaken without careful study or the input or endorsements of the judges and judicial organizations involved. **Staff Contact:** *Steve Stombres, x5-5811*

**Mr. Hostettler** may offer an amendment (#27) to reduce funding for the Advanced Technology Program (ATP) to \$84 million, a decrease of \$101 million. **Staff Contact:** *Michael Hurt, x5-4636*

**Mr. Hoekstra** may offer an amendment (#37) to prohibit the use of federal funds to oversee a rerun of the 1996 Teamster election, unless the president certifies that the Teamsters do not have sufficient funds to conduct the rerun. If the president makes such a certification, the Labor Department may provide a loan to the Teamsters. Last fall, the federal government spent \$20 million to supervise a mail-in election. Three weeks ago, the results of the election were voided and a new election has been recommended by a federal court election monitor because of finance violations. **Staff Contact:** *Amy Plaster, x5-4401*

**Mr. Kennedy (MA)** may offer an amendment (#13) to increase funding for the Federal Trade Commission (FTC) by \$2 million, providing a net appropriation of \$27 million. **Staff Contact:** *Heather Mizeur, x5-5111*

**Mr. Kennedy (MA)** may offer an amendment (#14) to prohibit any funds in the bill from being used for the Commerce Department's Access Mexico Program. Currently, the department maintains a database which keeps track of Mexico's environmental laws, regulations, and standards as they affect U.S. businesses which operate there. The database was established in 1996; at its inception, Congress authorized a \$500,000 grant to the U.S.-Mexico Chamber of Commerce to administer a similar database program, albeit separate from that belonging to the Commerce Department. To date, however, the Chamber of Commerce has been determined to be ineligible to receive the grant funding, and the funds remain unobligated within the Commerce Department budget. Thus, the amendment rescinds the grant funding for the U.S.-Mexico initiative because the money has not yet been spent and the program is duplicative. *Staff Contact: Heather Mizeur, x5-5111*

**Mr. Kennedy (MA)** may offer an amendment (#28) to increase funding for the Federal Trade Commission's salaries and expenses account, an increase of \$2 million to \$97 million. The additional funding is provided by an offsetting reduction of \$3 million from the State Department's International Broadcasting Operations account. *Staff Contact: Heather Mizeur, x5-5111*

**Mr. Kucinich** may offer an amendment (#7) to add \$500,000 to the direct appropriation for the Federal Communications Commission (FCC), resulting in a total appropriation of \$35 million. The purpose of the amendment is to provide sufficient funding for the FCC's Common Carrier Bureau to administer and implement new regulations on newly-created area codes nationwide. *Staff Contact: Jaron Bourke, x5-5871*

**Ms. Lofgren** may offer an amendment (#25 or #48) to increase funding for NOAA's Operations, Research and Facilities account by \$4.9 million. The amendment offsets the increase by decreasing funding for the SBA's disaster relief funding by \$4.9 million. The sponsor intends that the increased funding be used to enhance NOAA's climate observation abilities, which serves to better predict U.S. weather patterns and can be used to predict patterns of severe weather activity. *Staff Contact: Jonathan Masur, x5-3072*

**Ms. Lofgren** may offer an amendment (#59) to increase funding for NOAA's Operations, Research and Facilities account by \$4.9 million. The amendment offsets the increase by decreasing funding for the National Institute of Standards and Technology by \$26.1 million. *Staff Contact: Jonathan Masur, x5-3072*

**Ms. Lowey** may offer an amendment (#29 or #38) to increase funding for NOAA's Operations, Research and Facilities account by \$2.5 million. The additional funding is intended for implementing the nonpoint source pollution control program as authorized in the 1990 Coastal Zone Reauthorization Act. *Staff Contact: Todd Preston, x5-6506*

**Ms. Lowey** may offer an amendment (#60) to increase funding for NOAA's National Ocean Service (NOS) account by \$1 million. The additional funding is provided by a corresponding decrease in funding for NOAA's fleet maintenance account. *Staff Contact: Todd Preston, x5-6506*

**Messrs. Miller (CA) and Spratt, and Ms. Mink** may offer an amendment to increase funding for the Office of U.S. Attorneys to provide legal services to abused workers in the U.S. Commonwealth of the Northern Mariana Islands (CNMI). The authors contend that numerous widespread personal and employment abuses are suffered each year by thousands of women—who mostly come from

Vietnam and the Philippines—who work in low-wage and oppressive jobs and are forced into prostitution while ostensibly recruited from their native countries to take jobs in foreign-owned garment companies. These workers, the authors claim, are unable to seek legal recourse for fear of being sent home and losing their incomes, or even face physical harm or death. *Staff Contact: Carrie Moore (Resources Committee), x5-6065*

**Mr. Miller (CA)** may offer one of two amendments (#39 or #40) to increase funding for the Justice Department’s U.S. Attorneys salaries and expenses account by \$100,000. Amendment #40 offsets this increase by reducing funding in the Justice Department’s General Legal Activities account by an equal amount. *Staff Contact: Carrie Moore (Resources Committee), x5-6065*

**Messrs. Mollohan and Shays** may offer an amendment (#2), debatable for 80 minutes, to strike restrictive language in the bill regarding the 2000 census. Currently, the bill provides \$382 million for the Census Bureau’s efforts related to the 2000 census; however, it allows only \$100 million to be available immediately to the bureau and stipulates that none of these funds may be used toward any preparations to use “sampling” census-taking methods. The amendment removes the funding restriction and allows all \$382 million to be immediately available to the bureau. However, the amendment stipulates that the funds may not be used to implement irreversible plans or preparations for the use of sampling or other statistical methods. Finally, the amendment creates a Board of Observers for a Fair and Accurate Census to oversee the discussion of, and decision-making processes for, census procedures for the 2000 census initiative. *Staff Contact: Liz Whyte, x5-4172*

**Ms. Rivers** may offer an amendment (#23) to strike bill language which allows members and staff employed by the House to be reimbursed for legal expenses incurred as a result of a Justice Department investigation connected with their official duties as House members or employees. *Staff Contact: Michael Gorges, x5-6261*

**Mr. Saxton** may offer an amendment (#64) to reduce funding for NOAA’s Operations, Research, and Facilities account by \$10,000. *Contact: x5-4765*

**Mr. Schumer** may offer one of two amendments (#51 or #52) to (1) prohibit funding in the bill from being given to states for their portions of the National Sexual Offender Registry if, within that state’s laws, consensual sodomy between adults is a sex crime for which persons convicted must be entered in the state’s sex offender registry, or (2) limit to 90 percent the amount of funding available to states which criminalize consensual sodomy. *Staff Contact: Bill McGeeveran, x5-6616*

**Mr. Scott** may offer an amendment (#10) to transfer \$259 million from the Justice Department’s State Prison Grants (SPG) program to the Juvenile Justice Program (JJP), bringing total funding for the JJP to \$422 million. *Staff Contact: Bobby Vassar, x5-8351*

**Mr. Scott** may offer an amendment (#11) to require that federal, state, or local law enforcement agencies which receive funding from the Justice Department must submit information to the Attorney General regarding the death of any individual who is in law enforcement custody for committing a crime. *Staff Contact: Bobby Vassar, x5-8351*

**Mr. Traficant** may offer an amendment (#24) to require that any local government or law enforcement entity which uses funding provided in the bill to hire or rehire career law enforcement officers



must prioritize its hiring to increase the number of officers placed on active patrol over those hired to perform administrative duties. **Staff Contact: Paul Marcone, x5-5261**

**Ms. Waters** may offer an amendment (#62) to direct the Drug Enforcement Agency (DEA) to allocate five agents to study the impact of (1) the World Trade Organizations' (WTO) recent decision to discontinue the relationship between Caribbean countries and the European Union on trade, (2) the erosion of the ability of Caribbean countries to be independent, and (3) increased drug trafficking in the Caribbean region. The agents will be chosen from a provision in the bill which grants \$34 million to a new Caribbean Anti-Drug Initiative which is designed to prevent South American drug traffickers from using Puerto Rico and other Caribbean countries to export drugs into the U.S. **Staff Contact: Mike Schmitz, x5-2201**

**Mr. Weygand** may offer an amendment to extend until June 1, 1998, the time during which local or state law enforcement agencies and other designated fingerprinting services (DFSs) may continue to offer fingerprint services to immigrants admitted into the U.S. by the INS. The INS fingerprint identification cards are used in criminal background checks under the 1996 Immigration and Naturalization Act (*P.L. 104-208*). The bill's current deadline is March 1, 1998. The author intends to provide enough time for the INS to transition into its new fingerprinting system by purchasing equipment and conducting employee training. **Staff Contact: Chris Labonte, x5-2735**

**Mr. Whitfield** may offer an amendment (#65) to prohibit funds in the bill from being used to deport any person who has filed a visa application or other documentation with INS for residence in the U.S. who currently is serving as a licensed physician in the health profession that has been determined by the Department of Health and Human Services to have a shortage of licensed personnel. **Contact: x5-3115**

**Additional Information:** See *Legislative Digest*, Vol. XXVI, #24, Pt. II, September 8, 1997.




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Amendment

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Alert!

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Please attach the text of the amendment (if available) and fax to the *Legislative Digest* at x5-7298

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John Boehner  
Chairman  
8th District, Ohio

Member Sponsoring Amendment: \_\_\_\_\_ Bill #: \_\_\_\_\_

Additional Co-sponsors (if any): \_\_\_\_\_

Staff Contact: \_\_\_\_\_ Phone #: \_\_\_\_\_ Evening Phone #: \_\_\_\_\_

Description of the amendment: \_\_\_\_\_

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(Please include any additional or contextual information)

Reason for offering amendment (e.g., How will this change the bill or current law? Why should members support this change?): \_\_\_\_\_

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*Legislative Digest reserves the right to edit descriptions for style, readability, and provisional accuracy.*

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